

REMARKS

Reconsideration of this application is respectfully requested. Claims 1-21, 60-63 and 65-94 are pending and at issue.

The Examiner has required restriction to one of the following groups:

Group I: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-C(O)NR^4$, X is O or $S(O)_m$ and the remaining substituents are as depicted in claim 1;

Group II: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-NR^4SO_2$, X is O or $S(O)_m$ and the remaining substituents are as depicted in claim 1;

Group III: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-SO_2NR^4$, X is O or $S(O)_m$ and the remaining substituents are as depicted in claim 1;

Group IV: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-NR^4C(O)$, X is O or $S(O)_m$ and the remaining substituents are as depicted in claim 1;

Group V: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-C(O)NR^4$, X is $-NR^5$ and the remaining substituents are as depicted in claim 1;

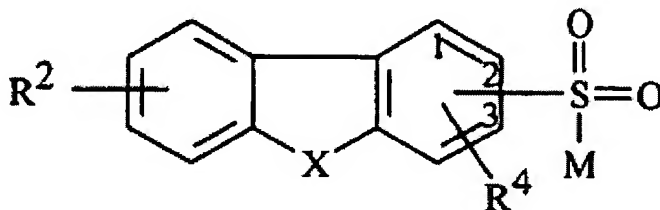
Group VI: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-NR^4SO_2$, X is $-NR^5$ and the remaining substituents are as depicted in claim 1;

Group VII: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein is $-\text{SO}_2\text{NR}^4$, X is $-\text{NR}^5$ and the remaining substituents are as depicted in claim 1;

Group VIII: Claims 1-21, 60-63 and 65-94 (in part), drawn to products and methods of making and using the compound of formula I, wherein Y is $-\text{NR}^4\text{C}(\text{O})$, X is $-\text{NR}^5$ and the remaining substituents are as depicted in claim 1.

Applicants respectfully traverse this restriction. Applicants request that the claims of Group V be rejoined with the claims of Group I. The structural components of the compounds in Group V are the same as that in Group I, with the exception of X, which is $-\text{NR}^5$ in Group V, and O or $\text{S}(\text{O})_m$ in Group I.

The Examiner contends that Groups I and V lack a special technical feature because they fail to define a contribution over O'Brien (WO 98/09934). O'Brien discloses compounds having the formula



In contrast, the claims of Groups I and V are directed to tricyclic compounds where the right ring group is substituted with an amide group ($-\text{CONR}^4$) and a $-\text{P-R}^1$ group where P is oxygen or sulfur. O'Brien does not disclose or suggest tricyclic compounds having this combination of substituents on the right ring group. Groups I and V, therefore, share a special technical feature over the prior art and, therefore, do not lack unity.

Accordingly, applicants request rejoinder of the claims of Groups I and V.

In order to be fully responsive, applicants provisionally elect the claims of Group I (claims 1-21, 60-63 and 65-94).

In view of the above remarks, applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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